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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/799,311	03/12/2004	William M. Hartsock	ARS-102US	8223
23122	7590	01/24/2005	EXAMINER	
RATNERPRESTIA P O BOX 980 VALLEY FORGE, PA 19482-0980			SHRIVER II, JAMES A	
			ART UNIT	PAPER NUMBER
			3618	

DATE MAILED: 01/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/799,311	HARTSOCK, WILLIAM M.
	<b>Examiner</b>	<b>Art Unit</b>
	J. Allen Shriver	3618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 03 January 2005.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1,3-6 and 8-11 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) 1,3-6 and 11 is/are allowed.  
 6) Claim(s) 8-10 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 12 March 2004 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date. _____ .  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>1/3/2005</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____ .                                  |

## DETAILED ACTION

### *Response to Amendment*

1. Applicant's submittal of an amendment was received on January 3, 2005, wherein claims 1 and 3 were amended, claims 2 and 7 were cancelled and new claims 10-11 were added.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. **Claims 8-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Salvucci (US Patent 5,145,311).** Salvucci discloses a method for safely transporting and storing a single, large, vertically-oriented, cylindrically-shaped canister having a horizontally-oriented base, said method comprising the steps of raising an empty canister utilizing an industrial lifting device (10), positioning the canister (30) above a cart (29); lowering the canister onto a stable base of the cart, wherein the stable base comprises four wheels (See Fig. 5); encircling the canister with a circumferential band; attaching the circumferential band to the cart to form a canister assembly; filling the canister with liquid; and manually pushing, and constantly maintaining, the canister assembly on all four wheels to a desired location for use and/or storage, wherein the vertical and horizontal orientations of the canister and its base, respectively, are constantly maintained throughout the transporting and storing of the canister. Although, this method is not specifically

set forth in the reference, under the principles of inherency, if a prior art device, in its normal and usual operation, would necessarily perform the method claimed, then the method claimed will be considered to be anticipated by the prior art device. When the prior art device is the same as a device described in the specification for carrying out the claimed method, it can be assumed the device will inherently perform the claimed process. *In re King*, 801 F.2d 1324, 231 USPQ 136 (Fed. Cir. 1986). Salvucci clearly discloses a cart and lift in Figure 5, which would perform the claimed method of claims 8-9.

Regarding claim 10, it is also inherent that a person of ordinary skill in this art would know how to determine when the canister requires refilling, by simply observing a gauge located of the canister, and know how to remove the band from the canister and lift the canister out of the cart (29) when the canister or cart requires maintenance and repair.

***Allowable Subject Matter***

4. Claims 1, 3-6 and 11 are allowed over the prior art.
5. The following is a statement of reasons for the indication of allowable subject matter:  
Examiner agrees with Applicant's statement that amended claim 1, now requiring four wheels operatively connected by respective four wheel brackets to said stable base and configured to support the weight f the canister, the wheel brackets are rigidly positioned on the stable base, wherein said stable base receives and supports the horizontally-oriented base of the canister at a low center of gravity in which the bottom of the base of the canister is below the top of the wheels, and two U shaped side rails forming four legs extending upwardly from and rigidly secured to said stable base, each leg being positioned above a respective one of said wheels was

not anticipated by the prior art, nor would it have been obvious to a person of ordinary skill in this art.

***Response to Arguments***

6. Applicant's arguments filed January 3, 2005 have been fully considered but they are not persuasive. Applicant argues that the method steps of claims 8-10 are not shown by Salvucci. Examiner disagrees with this argument because Salvucci clearly provides a lift (10) to place and remove a canister (30) onto a cart (29), wherein the canister is encircled with a circumferential band, which allows the cart and canister to be manually pushed on all four wheels to a desired location.

***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Art Unit: 3618

Any inquiry concerning this communication or earlier communications from the examiner should be directed to J. Allen Shriver whose telephone number is (703) 308-1224. The examiner can normally be reached on Mon-Thurs 7:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris P. Ellis can be reached on (703) 305-0168. Any inquiry of a general nature or relating to the status of this application should be directed to the group receptionist whose telephone number is (703) 308-1113.

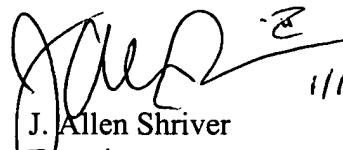
As of May 1, 2003, any response to this action should be mailed to:

Mail Stop \_\_\_\_\_  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Or faxed to: (703) 305-3597 or (703) 305-7687 (for formal communications intended for entry. (703) 746-3852 (for informal communications directly to the Examiner).

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Wednesday, January 19, 2005

  
J. Allen Shriver  
Examiner  
Art Unit 3618

JAS